

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 179

Introduced by Assembly Member Portantino

February 2, 2009

An act to ~~amend Sections 290.011, 290.012, 290.014, 290.015, 290.017, and 290.46 of~~ add Section 290.024 to the Penal Code, relating to sex offender registration.

LEGISLATIVE COUNSEL'S DIGEST

AB 179, as amended, Portantino. Sex offender registration: e-mail addresses.

Existing law requires a person convicted of any specified sex offenses to register as a sex offender and provide specified information to law enforcement agencies. That information is kept at the location where the offender registered and transmitted to the Department of Justice where it is electronically stored in the Violent Crime Information Network (VCIN), as specified.

This bill would provide that, beginning January 1, 2011, the Department of Justice shall study the feasibility and value of requiring every person who must register as a sex offender to include in the information provided by the person all e-mail addresses and instant message addresses he or she uses, or intends to use, to communicate over the Internet. This bill would require the department's study to include a determination of the value and feasibility of incorporating this information in the VCIN.

~~Existing law requires persons convicted of specified sex offenses to register with local law enforcement authorities and update that registration, as specified. A willful violation of these registration requirements is punishable as a misdemeanor or as a felony, as specified. Existing law requires that persons who are subject to registration be informed of their duty to register upon release from incarceration or confinement in a hospital, as specified, and requires the official responsible for the place of confinement or hospital to forward the person's expected address upon release to the Department of Justice.~~

~~This bill would require that a person required to register as a sex offender include all e-mail addresses and instant messaging identities that may be used by the person in the information provided at each registration or renewed registration, as specified. The bill would require the official in charge of a place of confinement or hospital releasing a person subject to registration to forward to the Department of Justice all e-mail addresses and instant messaging identities that may be used by the person in addition to the person's expected address upon release.~~

~~By expanding the scope of registration requirements, the willful violation of which is an offense, and imposing additional reporting duties on local law enforcement entities, this bill would impose a state-mandated local program.~~

~~Existing law requires the Department of Justice to publish the names, aliases, photographs, physical descriptions, criminal histories, and addresses of persons convicted of specified sexual offenses on an Internet Web site, and to publish lesser amounts of information for other specified offenses.~~

~~This bill would additionally require the department to publish on the Internet Web site all e-mail addresses and instant messaging identities that may be used by any of these persons.~~

~~Existing law requires a person convicted of specified sexual offenses who changes his or her name to inform the local law enforcement agency of that change within 5 working days, as specified. Violation of these provisions is an offense. The local law enforcement agency is required to inform the Department of Justice of that change within 3 days.~~

~~This bill would also require the person to inform the local law enforcement agency of changes to any e-mail address or instant messaging identity that may be used by the person, imposing the same sanction for violation, and requiring the same forwarding of that information to the Department of Justice.~~

By expanding provisions, the violation of which is a crime, and by imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290.024 is added to the Penal Code, to
2 read:

3 290.024. Beginning January 1, 2011, the Department of Justice
4 shall study the feasibility and value of requiring every person who
5 must register pursuant to Section 290 to include in the information
6 provided by the person all e-mail addresses and instant message
7 addresses he or she uses, or intends to use, to communicate over
8 the Internet. The Department of Justice study shall include a
9 determination of the value and feasibility of incorporating this
10 information in the Violent Crime Information Network (VCIN).

11 SECTION 1. Section 290.011 of the Penal Code is amended
12 to read:

13 290.011. Every person who is required to register pursuant to
14 the Act who is living as a transient shall be required to register for
15 the rest of his or her life as follows:

16 (a) He or she shall register, or reregister if the person has
17 previously registered, within five working days from release from
18 incarceration, placement or commitment, or release on probation,
19 pursuant to subdivision (b) of Section 290, except that if the person
20 previously registered as a transient less than 30 days from the date
21 of his or her release from incarceration, he or she does not need
22 to reregister as a transient until his or her next required 30-day
23 update of registration. If a transient is not physically present in

1 any one jurisdiction for five consecutive working days, he or she
2 shall register in the jurisdiction in which he or she is physically
3 present on the fifth working day following release, pursuant to
4 subdivision (b) of Section 290. Beginning on or before the 30th
5 day following initial registration upon release, a transient shall
6 reregister no less than once every 30 days thereafter. A transient
7 shall register with the chief of police of the city in which he or she
8 is physically present within that 30-day period, or the sheriff of
9 the county if he or she is physically present in an unincorporated
10 area or city that has no police department, and additionally, with
11 the chief of police of a campus of the University of California, the
12 California State University, or community college if he or she is
13 physically present upon the campus or in any of its facilities. A
14 transient shall reregister no less than once every 30 days regardless
15 of the length of time he or she has been physically present in the
16 particular jurisdiction in which he or she reregisters. If a transient
17 fails to reregister within any 30-day period, he or she may be
18 prosecuted in any jurisdiction in which he or she is physically
19 present.

20 (b) A transient who moves to a residence shall have five working
21 days within which to register at that address, in accordance with
22 subdivision (b) of Section 290. A person registered at a residence
23 address in accordance with that provision who becomes transient
24 shall have five working days within which to reregister as a
25 transient in accordance with subdivision (a).

26 (c) Beginning on his or her first birthday following registration,
27 a transient shall register annually, within five working days of his
28 or her birthday, to update his or her registration with the entities
29 described in subdivision (a). A transient shall register in whichever
30 jurisdiction he or she is physically present on that date. At the
31 30-day updates and the annual update, a transient shall provide
32 current information as required on the Department of Justice annual
33 update form, including the information described in paragraphs
34 (1) to (3), inclusive, and paragraph (6), of subdivision (a) of Section
35 290.015, and the information specified in subdivision (d).

36 (d) A transient shall, upon registration and reregistration, provide
37 current information as required on the Department of Justice
38 registration forms, and shall also list the places where he or she
39 sleeps, eats, works, frequents, and engages in leisure activities. If
40 a transient changes or adds to the places listed on the form during

1 the 30-day period, he or she does not need to report the new place
2 or places until the next required reregistration.

3 (e) ~~Failure to comply with the requirement of reregistering every~~
4 ~~30 days following initial registration pursuant to subdivision (a)~~
5 ~~shall be punished in accordance with subdivision (g) of Section~~
6 ~~290.018. Failure to comply with any other requirement of this~~
7 ~~section shall be punished in accordance with either subdivision~~
8 ~~(a) or (b) of Section 290.018.~~

9 (f) ~~A transient who moves out of state shall inform, in person,~~
10 ~~the chief of police in the city in which he or she is physically~~
11 ~~present, or the sheriff of the county if he or she is physically present~~
12 ~~in an unincorporated area or city that has no police department,~~
13 ~~within five working days, of his or her move out of state. The~~
14 ~~transient shall inform that registering agency of his or her planned~~
15 ~~destination, residence or transient location out of state, and any~~
16 ~~plans he or she has to return to California, if known. The law~~
17 ~~enforcement agency shall, within three days after receipt of this~~
18 ~~information, forward a copy of the change of location information~~
19 ~~to the Department of Justice. The department shall forward~~
20 ~~appropriate registration data to the law enforcement agency having~~
21 ~~local jurisdiction of the new place of residence or location.~~

22 (g) ~~For purposes of this section, “transient” means a person who~~
23 ~~has no residence. “Residence” means one or more addresses at~~
24 ~~which a person regularly resides, regardless of the number of days~~
25 ~~or nights spent there, such as a shelter or structure that can be~~
26 ~~located by a street address, including, but not limited to, houses,~~
27 ~~apartment buildings, motels, hotels, homeless shelters, and~~
28 ~~recreational and other vehicles.~~

29 (h) ~~The transient registrant’s duty to update his or her~~
30 ~~registration no less than every 30 days shall begin with his or her~~
31 ~~second transient update following the date this section became~~
32 ~~effective.~~

33 SEC. 2. ~~Section 290.012 of the Penal Code is amended to read:~~

34 290.012. (a) ~~Beginning on his or her first birthday following~~
35 ~~registration or change of address, the person shall be required to~~
36 ~~register annually, within five working days of his or her birthday,~~
37 ~~to update his or her registration with the entities described in~~
38 ~~subdivision (b) of Section 290. At the annual update, the person~~
39 ~~shall provide current information as required on the Department~~
40 ~~of Justice annual update form, including the information described~~

1 in paragraphs (1) to (3), inclusive, and paragraph (6) of subdivision
2 (a) of Section 290.015. The registering agency shall give the
3 registrant a copy of the registration requirements from the
4 Department of Justice form.

5 (b) In addition, every person who has ever been adjudicated a
6 sexually violent predator, as defined in Section 6600 of the Welfare
7 and Institutions Code, shall, after his or her release from custody,
8 verify his or her address, including all e-mail addresses and instant
9 messaging identities that may be used by the person, no less than
10 once every 90 days and place of employment, including the name
11 and address of the employer, in a manner established by the
12 Department of Justice. Every person who, as a sexually violent
13 predator, is required to verify his or her registration every 90 days,
14 shall be notified wherever he or she next registers of his or her
15 increased registration obligations. This notice shall be provided
16 in writing by the registering agency or agencies. Failure to receive
17 this notice shall be a defense to the penalties prescribed in
18 subdivision (f) of Section 290.018.

19 (c) In addition, every person subject to the Act, while living as
20 a transient in California shall update his or her registration at least
21 every 30 days, in accordance with Section 290.011.

22 (d) No entity shall require a person to pay a fee to register or
23 update his or her registration pursuant to this section. The
24 registering agency shall submit registrations, including annual
25 updates or changes of address, directly into the Department of
26 Justice Violent Crime Information Network (VCIN).

27 SEC. 3. Section 290.014 of the Penal Code is amended to read:

28 290.014. If any person who is required to register pursuant to
29 the Act changes his or her name, or any e-mail address or instant
30 messaging identity that may be used by the person, the person shall
31 inform, in person, the law enforcement agency or agencies with
32 which he or she is currently registered within five working days.
33 The law enforcement agency or agencies shall forward a copy of
34 this information to the Department of Justice within three working
35 days of its receipt.

36 SEC. 4. Section 290.015 of the Penal Code is amended to read:

37 290.015. (a) A person who is subject to the Act shall register,
38 or reregister if the person has previously registered, upon release
39 from incarceration, placement, commitment, or release on probation
40 pursuant to subdivision (b) of Section 290. This section shall not

1 apply to a person who is incarcerated for less than 30 days if he
2 or she has registered as required by the Act, he or she returns after
3 incarceration to the last registered address, and the annual update
4 of registration that is required to occur within five working days
5 of his or her birthday, pursuant to subdivision (a) of Section
6 290.012, did not fall within that incarceration period. The
7 registration shall consist of all of the following:

8 (1) ~~A statement in writing signed by the person, giving~~
9 ~~information as shall be required by the Department of Justice and~~
10 ~~giving the name and address of the person's employer, and the~~
11 ~~address of the person's place of employment if that is different~~
12 ~~from the employer's main address.~~

13 (2) ~~The fingerprints and a current photograph of the person~~
14 ~~taken by the registering official.~~

15 (3) ~~The license plate number of any vehicle owned by, regularly~~
16 ~~driven by, or registered in the name of the person.~~

17 (4) ~~Notice to the person that, in addition to the requirements of~~
18 ~~the Act, he or she may have a duty to register in any other state~~
19 ~~where he or she may relocate.~~

20 (5) ~~Copies of adequate proof of residence, which shall be limited~~
21 ~~to a California driver's license, California identification card, recent~~
22 ~~rent or utility receipt, printed personalized checks or other recent~~
23 ~~banking documents showing that person's name and address, or~~
24 ~~any other information that the registering official believes is~~
25 ~~reliable. If the person has no residence and no reasonable~~
26 ~~expectation of obtaining a residence in the foreseeable future, the~~
27 ~~person shall so advise the registering official and shall sign a~~
28 ~~statement provided by the registering official stating that fact.~~
29 ~~Upon presentation of proof of residence to the registering official~~
30 ~~or a signed statement that the person has no residence, the person~~
31 ~~shall be allowed to register. If the person claims that he or she has~~
32 ~~a residence but does not have any proof of residence, he or she~~
33 ~~shall be allowed to register but shall furnish proof of residence~~
34 ~~within 30 days of the date he or she is allowed to register.~~

35 (6) ~~All e-mail addresses and instant messaging identities that~~
36 ~~may be used by the person. These e-mail addresses and instant~~
37 ~~messaging identities shall be provided by the Department of Justice~~
38 ~~to the registrant's probation or parole officer, as applicable.~~

39 (b) ~~Within three days thereafter, the registering law enforcement~~
40 ~~agency or agencies shall forward the statement, fingerprints,~~

1 photograph, and vehicle license plate number, if any, to the
2 Department of Justice.

3 SEC. 5. Section 290.017 of the Penal Code is amended to read:

4 290.017. (a) Any person who is released, discharged, or
5 paroled from a jail, state or federal prison, school, road camp, or
6 other institution where he or she was confined, who is required to
7 register pursuant to the Act, shall, prior to discharge, parole, or
8 release, be informed of his or her duty to register under the Act by
9 the official in charge of the place of confinement or hospital, and
10 the official shall require the person to read and sign any form that
11 may be required by the Department of Justice, stating that the duty
12 of the person to register under the Act has been explained to the
13 person. The official in charge of the place of confinement or
14 hospital shall obtain the address where the person expects to reside
15 upon his or her discharge, parole, or release, and all e-mail
16 addresses and instant messaging identities that may be used by the
17 person, and shall report the residence address and e-mail addresses
18 and instant messaging identities to the Department of Justice. The
19 official shall at the same time forward a current photograph of the
20 person to the Department of Justice.

21 (b) The official in charge of the place of confinement or hospital
22 shall give one copy of the form to the person and shall send one
23 copy to the Department of Justice and one copy to the appropriate
24 law enforcement agency or agencies having jurisdiction over the
25 place the person expects to reside upon discharge, parole, or
26 release. If the conviction that makes the person subject to the Act
27 is a felony conviction, the official in charge shall, not later than
28 45 days prior to the scheduled release of the person, send one copy
29 to the appropriate law enforcement agency or agencies having
30 local jurisdiction where the person expects to reside upon
31 discharge, parole, or release; one copy to the prosecuting agency
32 that prosecuted the person; and one copy to the Department of
33 Justice. The official in charge of the place of confinement or
34 hospital shall retain one copy.

35 (c) Any person who is required to register pursuant to the Act
36 and who is released on probation, shall, prior to release or
37 discharge, be informed of the duty to register under the Act by the
38 probation department, and a probation officer shall require the
39 person to read and sign any form that may be required by the
40 Department of Justice, stating that the duty of the person to register

1 has been explained to him or her. The probation officer shall obtain
2 the address where the person expects to reside upon release or
3 discharge and shall report within three days the address to the
4 Department of Justice. The probation officer shall give one copy
5 of the form to the person, send one copy to the Department of
6 Justice, and forward one copy to the appropriate law enforcement
7 agency or agencies having local jurisdiction where the person
8 expects to reside upon his or her discharge, parole, or release.

9 (d) Any person who is required to register pursuant to the Act
10 and who is granted conditional release without supervised
11 probation, or discharged upon payment of a fine, shall, prior to
12 release or discharge, be informed of the duty to register under the
13 Act in open court by the court in which the person has been
14 convicted, and the court shall require the person to read and sign
15 any form that may be required by the Department of Justice, stating
16 that the duty of the person to register has been explained to him
17 or her. If the court finds that it is in the interest of the efficiency
18 of the court, the court may assign the bailiff to require the person
19 to read and sign forms under the Act. The court shall obtain the
20 address where the person expects to reside upon release or
21 discharge and shall report within three days the address to the
22 Department of Justice. The court shall give one copy of the form
23 to the person, send one copy to the Department of Justice, and
24 forward one copy to the appropriate law enforcement agency or
25 agencies having local jurisdiction where the person expects to
26 reside upon his or her discharge, parole, or release.

27 SEC. 6. Section 290.46 of the Penal Code, as amended by
28 Section 1 of Chapter 599 of the Statutes of 2008, is amended to
29 read:

30 290.46. (a) (1) On or before the dates specified in this section,
31 the Department of Justice shall make available information
32 concerning persons who are required to register pursuant to Section
33 290 to the public via an Internet Web site as specified in this
34 section. The department shall update the Internet Web site on an
35 ongoing basis. All information identifying the victim by name,
36 birth date, address, or relationship to the registrant shall be
37 excluded from the Internet Web site. The name or address of the
38 person's employer and the listed person's criminal history other
39 than the specific crimes for which the person is required to register
40 shall not be included on the Internet Web site. The Internet Web

1 ~~site shall be translated into languages other than English as~~
2 ~~determined by the department.~~

3 ~~(2) (A) On or before July 1, 2010, the Department of Justice~~
4 ~~shall make available to the public, via an Internet Web site as~~
5 ~~specified in this section, as to any person described in subdivision~~
6 ~~(b), (c), or (d), the following information:~~

7 ~~(i) The year of conviction of his or her most recent offense~~
8 ~~requiring registration pursuant to Section 290.~~

9 ~~(ii) The year he or she was released from incarceration for that~~
10 ~~offense.~~

11 ~~(iii) Whether he or she was subsequently incarcerated for any~~
12 ~~other felony, if that fact is reported to the department. If the~~
13 ~~department has no information about a subsequent incarceration~~
14 ~~for any felony, that fact shall be noted on the Internet Web site.~~

15 ~~(iv) All e-mail addresses and instant messaging identities that~~
16 ~~may be used by the person.~~

17 ~~However, no year of conviction shall be made available to the~~
18 ~~public unless the department also is able to make available the~~
19 ~~corresponding year of release of incarceration for that offense, and~~
20 ~~the required notation regarding any subsequent felony.~~

21 ~~(B) (i) Any state facility that releases from incarceration a~~
22 ~~person who was incarcerated because of a crime for which he or~~
23 ~~she is required to register as a sex offender pursuant to Section~~
24 ~~290 shall, within 30 days of release, provide the year of release~~
25 ~~for his or her most recent offense requiring registration to the~~
26 ~~Department of Justice in a manner and format approved by the~~
27 ~~department.~~

28 ~~(ii) Any state facility that releases a person who is required to~~
29 ~~register pursuant to Section 290 from incarceration whose~~
30 ~~incarceration was for a felony committed subsequently to the~~
31 ~~offense for which he or she is required to register shall, within 30~~
32 ~~days of release, advise the Department of Justice of that fact.~~

33 ~~(iii) Any state facility that, prior to January 1, 2007, released~~
34 ~~from incarceration a person who was incarcerated because of a~~
35 ~~crime for which he or she is required to register as a sex offender~~
36 ~~pursuant to Section 290 shall provide the year of release for his or~~
37 ~~her most recent offense requiring registration to the Department~~
38 ~~of Justice in a manner and format approved by the department.~~
39 ~~The information provided by the Department of Corrections and~~

1 ~~Rehabilitation shall be limited to information that is currently~~
2 ~~maintained in an electronic format.~~

3 ~~(iv) Any state facility that, prior to January 1, 2007, released a~~
4 ~~person who is required to register pursuant to Section 290 from~~
5 ~~incarceration whose incarceration was for a felony committed~~
6 ~~subsequently to the offense for which he or she is required to~~
7 ~~register shall advise the Department of Justice of that fact in a~~
8 ~~manner and format approved by the department. The information~~
9 ~~provided by the Department of Corrections and Rehabilitation~~
10 ~~shall be limited to information that is currently maintained in an~~
11 ~~electronic format.~~

12 ~~(3) The State Department of Mental Health shall provide to the~~
13 ~~Department of Justice Sex Offender Tracking Program the names~~
14 ~~of all persons committed to its custody pursuant to Article 4~~
15 ~~(commencing with Section 6600) of Chapter 2 of Part 2 of Division~~
16 ~~6 of the Welfare and Institutions Code, within 30 days of~~
17 ~~commitment, and shall provide the names of all of those persons~~
18 ~~released from its custody within five working days of release.~~

19 ~~(b) (1) On or before July 1, 2005, with respect to a person who~~
20 ~~has been convicted of the commission or the attempted commission~~
21 ~~of any of the offenses listed in, or who is described in, paragraph~~
22 ~~(2), the Department of Justice shall make available to the public~~
23 ~~via the Internet Web site his or her name and known aliases, a~~
24 ~~photograph, a physical description, including gender and race, date~~
25 ~~of birth, criminal history, prior adjudication as a sexually violent~~
26 ~~predator, the address at which the person resides, and any other~~
27 ~~information that the Department of Justice deems relevant, but not~~
28 ~~the information excluded pursuant to subdivision (a).~~

29 ~~(2) This subdivision shall apply to the following offenses and~~
30 ~~offenders:~~

31 ~~(A) Section 187 committed in the perpetration, or an attempt to~~
32 ~~perpetrate, rape or any act punishable under Section 286, 288,~~
33 ~~288a, or 289.~~

34 ~~(B) Section 207 committed with intent to violate Section 261,~~
35 ~~286, 288, 288a, or 289.~~

36 ~~(C) Section 209 committed with intent to violate Section 261,~~
37 ~~286, 288, 288a, or 289.~~

38 ~~(D) Paragraph (2) or (6) of subdivision (a) of Section 261.~~

39 ~~(E) Section 264.1.~~

40 ~~(F) Section 269.~~

1 ~~(G) Subdivision (e) or (d) of Section 286.~~

2 ~~(H) Subdivision (a), (b), or (c) of Section 288, provided that the~~
3 ~~offense is a felony.~~

4 ~~(I) Subdivision (e) or (d) of Section 288a.~~

5 ~~(J) Section 288.3, provided that the offense is a felony.~~

6 ~~(K) Section 288.4, provided that the offense is a felony.~~

7 ~~(L) Section 288.5.~~

8 ~~(M) Subdivision (a) or (j) of Section 289.~~

9 ~~(N) Section 288.7.~~

10 ~~(O) Any person who has ever been adjudicated a sexually violent~~
11 ~~predator, as defined in Section 6600 of the Welfare and Institutions~~
12 ~~Code.~~

13 ~~(e) (1) On or before July 1, 2005, with respect to a person who~~
14 ~~has been convicted of the commission or the attempted commission~~
15 ~~of any of the offenses listed in paragraph (2), the Department of~~
16 ~~Justice shall make available to the public via the Internet Web site~~
17 ~~his or her name and known aliases, a photograph, a physical~~
18 ~~description, including gender and race, date of birth, criminal~~
19 ~~history, the community of residence and ZIP Code in which the~~
20 ~~person resides or the county in which the person is registered as a~~
21 ~~transient, and any other information that the Department of Justice~~
22 ~~deems relevant, but not the information excluded pursuant to~~
23 ~~subdivision (a). On or before July 1, 2006, the Department of~~
24 ~~Justice shall determine whether any person convicted of an offense~~
25 ~~listed in paragraph (2) also has one or more prior or subsequent~~
26 ~~convictions of an offense listed in subdivision (e) of Section 290;~~
27 ~~and, for those persons, the Department of Justice shall make~~
28 ~~available to the public via the Internet Web site the address at~~
29 ~~which the person resides. However, the address at which the person~~
30 ~~resides shall not be disclosed until a determination is made that~~
31 ~~the person is, by virtue of his or her additional prior or subsequent~~
32 ~~conviction of an offense listed in subdivision (e) of Section 290;~~
33 ~~subject to this subdivision.~~

34 ~~(2) This subdivision shall apply to the following offenses:~~

35 ~~(A) Section 220, except assault to commit mayhem.~~

36 ~~(B) Paragraph (1), (3), or (4) of subdivision (a) of Section 261.~~

37 ~~(C) Paragraph (2) of subdivision (b), or subdivision (f), (g), or~~
38 ~~(i), of Section 286.~~

39 ~~(D) Paragraph (2) of subdivision (b), or subdivision (f), (g), or~~
40 ~~(i), of Section 288a.~~

1 ~~(E) Subdivision (b), (d), (e), or (i) of Section 289.~~

2 ~~(d) (1) On or before July 1, 2005, with respect to a person who~~
3 ~~has been convicted of the commission or the attempted commission~~
4 ~~of any of the offenses listed in, or who is described in, this~~
5 ~~subdivision, the Department of Justice shall make available to the~~
6 ~~public via the Internet Web site his or her name and known aliases,~~
7 ~~a photograph, a physical description, including gender and race,~~
8 ~~date of birth, criminal history, the community of residence and~~
9 ~~ZIP Code in which the person resides or the county in which the~~
10 ~~person is registered as a transient, and any other information that~~
11 ~~the Department of Justice deems relevant, but not the information~~
12 ~~excluded pursuant to subdivision (a) or the address at which the~~
13 ~~person resides.~~

14 ~~(2) This subdivision shall apply to the following offenses and~~
15 ~~offenders:~~

16 ~~(A) Subdivision (a) of Section 243.4, provided that the offense~~
17 ~~is a felony.~~

18 ~~(B) Section 266, provided that the offense is a felony.~~

19 ~~(C) Section 266e, provided that the offense is a felony.~~

20 ~~(D) Section 266j.~~

21 ~~(E) Section 267.~~

22 ~~(F) Subdivision (e) of Section 288, provided that the offense is~~
23 ~~a misdemeanor.~~

24 ~~(G) Section 288.3, provided that the offense is a misdemeanor.~~

25 ~~(H) Section 288.4, provided that the offense is a misdemeanor.~~

26 ~~(I) Section 626.81.~~

27 ~~(J) Section 647.6.~~

28 ~~(K) Section 653e.~~

29 ~~(L) Any person required to register pursuant to Section 290~~
30 ~~based upon an out-of-state conviction, unless that person is~~
31 ~~excluded from the Internet Web site pursuant to subdivision (e).~~
32 ~~However, if the Department of Justice has determined that the~~
33 ~~out-of-state crime, if committed or attempted in this state, would~~
34 ~~have been punishable in this state as a crime described in~~
35 ~~subdivision (e) of Section 290, the person shall be placed on the~~
36 ~~Internet Web site as provided in subdivision (b) or (c), as applicable~~
37 ~~to the crime.~~

38 ~~(e) (1) If a person has been convicted of the commission or the~~
39 ~~attempted commission of any of the offenses listed in this~~
40 ~~subdivision, and he or she has been convicted of no other offense~~

1 listed in subdivision (b), (c), or (d) other than those listed in this
2 subdivision, that person may file an application with the
3 Department of Justice, on a form approved by the department, for
4 exclusion from the Internet Web site. If the department determines
5 that the person meets the requirements of this subdivision, the
6 department shall grant the exclusion and no information concerning
7 the person shall be made available via the Internet Web site
8 described in this section. He or she bears the burden of proving
9 the facts that make him or her eligible for exclusion from the
10 Internet Web site. However, a person who has filed for or been
11 granted an exclusion from the Internet Web site is not relieved of
12 his or her duty to register as a sex offender pursuant to Section
13 290 nor from any otherwise applicable provision of law.

14 (2) This subdivision shall apply to the following offenses:

15 (A) A felony violation of subdivision (a) of Section 243.4.

16 (B) Section 647.6, if the offense is a misdemeanor.

17 (C) (i) An offense for which the offender successfully
18 completed probation, provided that the offender submits to the
19 department a certified copy of a probation report, presentencing
20 report, report prepared pursuant to Section 288.1, or other official
21 court document that clearly demonstrates that the offender was
22 the victim's parent, stepparent, sibling, or grandparent and that the
23 crime did not involve either oral copulation or penetration of the
24 vagina or rectum of either the victim or the offender by the penis
25 of the other or by any foreign object.

26 (ii) An offense for which the offender is on probation at the
27 time of his or her application, provided that the offender submits
28 to the department a certified copy of a probation report,
29 presentencing report, report prepared pursuant to Section 288.1,
30 or other official court document that clearly demonstrates that the
31 offender was the victim's parent, stepparent, sibling, or grandparent
32 and that the crime did not involve either oral copulation or
33 penetration of the vagina or rectum of either the victim or the
34 offender by the penis of the other or by any foreign object.

35 (iii) If, subsequent to his or her application, the offender commits
36 a violation of probation resulting in his or her incarceration in
37 county jail or state prison, his or her exclusion, or application for
38 exclusion, from the Internet Web site shall be terminated.

39 (iv) For the purposes of this subparagraph, "successfully
40 completed probation" means that during the period of probation

1 the offender neither received additional county jail or state prison
2 time for a violation of probation nor was convicted of another
3 offense resulting in a sentence to county jail or state prison.

4 (3) If the department determines that a person who was granted
5 an exclusion under a former version of this subdivision would not
6 qualify for an exclusion under the current version of this
7 subdivision, the department shall rescind the exclusion, make a
8 reasonable effort to provide notification to the person that the
9 exclusion has been rescinded, and, no sooner than 30 days after
10 notification is attempted, make information about the offender
11 available to the public on the Internet Web site as provided in this
12 section.

13 (4) Effective January 1, 2012, no person shall be excluded
14 pursuant to this subdivision unless the offender has submitted to
15 the department documentation sufficient for the department to
16 determine that he or she has a SARATSO risk level of low or
17 moderate-low.

18 (f) The Department of Justice shall make a reasonable effort to
19 provide notification to persons who have been convicted of the
20 commission or attempted commission of an offense specified in
21 subdivision (b), (c), or (d), that on or before July 1, 2005, the
22 department is required to make information about specified sex
23 offenders available to the public via an Internet Web site as
24 specified in this section. The Department of Justice shall also make
25 a reasonable effort to provide notice that some offenders are
26 eligible to apply for exclusion from the Internet Web site.

27 (g) (1) A designated law enforcement entity, as defined in
28 subdivision (f) of Section 290.45, may make available information
29 concerning persons who are required to register pursuant to Section
30 290 to the public via an Internet Web site as specified in paragraph
31 (2).

32 (2) The law enforcement entity may make available by way of
33 an Internet Web site the information described in subdivision (c)
34 if it determines that the public disclosure of the information about
35 a specific offender by way of the entity's Internet Web site is
36 necessary to ensure the public safety based upon information
37 available to the entity concerning that specific offender.

38 (3) The information that may be provided pursuant to this
39 subdivision may include the information specified in subdivision
40 (b) of Section 290.45. However, that offender's address may not

1 be disclosed unless he or she is a person whose address is on the
2 Department of Justice's Internet Web site pursuant to subdivision
3 (b) or (c).

4 (h) For purposes of this section, "offense" includes the statutory
5 predecessors of that offense, or any offense committed in another
6 jurisdiction that, if committed or attempted to be committed in this
7 state, would have been punishable in this state as an offense listed
8 in subdivision (c) of Section 290.

9 (i) Notwithstanding Section 6254.5 of the Government Code,
10 disclosure of information pursuant to this section is not a waiver
11 of exemptions under Chapter 3.5 (commencing with Section 6250)
12 of Title 1 of Division 7 of the Government Code and does not
13 affect other statutory restrictions on disclosure in other situations.

14 (j) (1) Any person who uses information disclosed pursuant to
15 this section to commit a misdemeanor shall be subject to, in
16 addition to any other penalty or fine imposed, a fine of not less
17 than ten thousand dollars (\$10,000) and not more than fifty
18 thousand dollars (\$50,000).

19 (2) Any person who uses information disclosed pursuant to this
20 section to commit a felony shall be punished, in addition and
21 consecutive to any other punishment, by a five-year term of
22 imprisonment in the state prison.

23 (k) Any person who is required to register pursuant to Section
24 290 who enters an Internet Web site established pursuant to this
25 section shall be punished by a fine not exceeding one thousand
26 dollars (\$1,000), imprisonment in a county jail for a period not to
27 exceed six months, or by both that fine and imprisonment.

28 (l) (1) A person is authorized to use information disclosed
29 pursuant to this section only to protect a person at risk.

30 (2) Except as authorized under paragraph (1) or any other
31 provision of law, use of any information that is disclosed pursuant
32 to this section for purposes relating to any of the following is
33 prohibited:

34 (A) Health insurance.

35 (B) Insurance.

36 (C) Loans.

37 (D) Credit.

38 (E) Employment.

39 (F) Education, scholarships, or fellowships.

40 (G) Housing or accommodations.

1 ~~(H) Benefits, privileges, or services provided by any business~~
2 ~~establishment.~~

3 ~~(3) This section shall not affect authorized access to, or use of,~~
4 ~~information pursuant to, among other provisions, Sections 11105~~
5 ~~and 11105.3, Section 8808 of the Family Code, Sections 777.5~~
6 ~~and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871~~
7 ~~of the Health and Safety Code, and Section 432.7 of the Labor~~
8 ~~Code.~~

9 ~~(4) (A) Any use of information disclosed pursuant to this section~~
10 ~~for purposes other than those provided by paragraph (1) or in~~
11 ~~violation of paragraph (2) shall make the user liable for the actual~~
12 ~~damages, and any amount that may be determined by a jury or a~~
13 ~~court sitting without a jury, not exceeding three times the amount~~
14 ~~of actual damage, and not less than two hundred fifty dollars~~
15 ~~(\$250), and attorney's fees, exemplary damages, or a civil penalty~~
16 ~~not exceeding twenty-five thousand dollars (\$25,000).~~

17 ~~(B) Whenever there is reasonable cause to believe that any~~
18 ~~person or group of persons is engaged in a pattern or practice of~~
19 ~~misuse of the information available via an Internet Web site~~
20 ~~established pursuant to this section in violation of paragraph (2);~~
21 ~~the Attorney General, any district attorney, or city attorney, or any~~
22 ~~person aggrieved by the misuse is authorized to bring a civil action~~
23 ~~in the appropriate court requesting preventive relief, including an~~
24 ~~application for a permanent or temporary injunction, restraining~~
25 ~~order, or other order against the person or group of persons~~
26 ~~responsible for the pattern or practice of misuse. The foregoing~~
27 ~~remedies shall be independent of any other remedies or procedures~~
28 ~~that may be available to an aggrieved party under other provisions~~
29 ~~of law, including Part 2 (commencing with Section 43) of Division~~
30 ~~1 of the Civil Code.~~

31 ~~(m) The public notification provisions of this section are~~
32 ~~applicable to every person described in this section, without regard~~
33 ~~to when his or her crimes were committed or his or her duty to~~
34 ~~register pursuant to Section 290 arose, and to every offense~~
35 ~~described in this section, regardless of when it was committed.~~

36 ~~(n) On or before July 1, 2006, and every year thereafter, the~~
37 ~~Department of Justice shall make a report to the Legislature~~
38 ~~concerning the operation of this section.~~

39 ~~(o) A designated law enforcement entity and its employees shall~~
40 ~~be immune from liability for good faith conduct under this section.~~

~~(p) The Attorney General, in collaboration with local law enforcement and others knowledgeable about sex offenders, shall develop strategies to assist members of the public in understanding and using publicly available information about registered sex offenders to further public safety. These strategies may include, but are not limited to, a hotline for community inquiries, neighborhood and business guidelines for how to respond to information posted on this Internet Web site, and any other resource that promotes public education about these offenders.~~

SEC. 7. ~~Section 290.46 of the Penal Code, as amended by Section 1.5 of Chapter 599 of the Statutes of 2008, is amended to read:~~

~~290.46. (a) (1) On or before the dates specified in this section, the Department of Justice shall make available information concerning persons who are required to register pursuant to Section 290 to the public via an Internet Web site as specified in this section. The department shall update the Internet Web site on an ongoing basis. All information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the Internet Web site. The name or address of the person's employer and the listed person's criminal history other than the specific crimes for which the person is required to register shall not be included on the Internet Web site. The Internet Web site shall be translated into languages other than English as determined by the department.~~

~~(2) (A) On or before July 1, 2010, the Department of Justice shall make available to the public, via an Internet Web site as specified in this section, as to any person described in subdivision (b), (c), or (d), the following information:~~

~~(i) The year of conviction of his or her most recent offense requiring registration pursuant to Section 290.~~

~~(ii) The year he or she was released from incarceration for that offense.~~

~~(iii) Whether he or she was subsequently incarcerated for any other felony, if that fact is reported to the department. If the department has no information about a subsequent incarceration for any felony, that fact shall be noted on the Internet Web site.~~

~~(iv) All e-mail addresses and instant messaging identities that may be used by the person.~~

1 However, no year of conviction shall be made available to the
2 public unless the department also is able to make available the
3 corresponding year of release of incarceration for that offense, and
4 the required notation regarding any subsequent felony.

5 (B) (i) Any state facility that releases from incarceration a
6 person who was incarcerated because of a crime for which he or
7 she is required to register as a sex offender pursuant to Section
8 290 shall, within 30 days of release, provide the year of release
9 for his or her most recent offense requiring registration to the
10 Department of Justice in a manner and format approved by the
11 department.

12 (ii) Any state facility that releases a person who is required to
13 register pursuant to Section 290 from incarceration whose
14 incarceration was for a felony committed subsequently to the
15 offense for which he or she is required to register shall, within 30
16 days of release, advise the Department of Justice of that fact.

17 (iii) Any state facility that, prior to January 1, 2007, released
18 from incarceration a person who was incarcerated because of a
19 crime for which he or she is required to register as a sex offender
20 pursuant to Section 290 shall provide the year of release for his or
21 her most recent offense requiring registration to the Department
22 of Justice in a manner and format approved by the department.
23 The information provided by the Department of Corrections and
24 Rehabilitation shall be limited to information that is currently
25 maintained in an electronic format.

26 (iv) Any state facility that, prior to January 1, 2007, released a
27 person who is required to register pursuant to Section 290 from
28 incarceration whose incarceration was for a felony committed
29 subsequently to the offense for which he or she is required to
30 register shall advise the Department of Justice of that fact in a
31 manner and format approved by the department. The information
32 provided by the Department of Corrections and Rehabilitation
33 shall be limited to information that is currently maintained in an
34 electronic format.

35 (3) The State Department of Mental Health shall provide to the
36 Department of Justice Sex Offender Tracking Program the names
37 of all persons committed to its custody pursuant to Article 4
38 (commencing with Section 6600) of Chapter 2 of Part 2 of Division
39 6 of the Welfare and Institutions Code, within 30 days of

1 commitment, and shall provide the names of all of those persons
2 released from its custody within five working days of release.

3 (b) (1) On or before July 1, 2005, with respect to a person who
4 has been convicted of the commission or the attempted commission
5 of any of the offenses listed in, or who is described in, paragraph
6 (2), the Department of Justice shall make available to the public
7 via the Internet Web site his or her name and known aliases, a
8 photograph, a physical description, including gender and race, date
9 of birth, criminal history, prior adjudication as a sexually violent
10 predator, the address at which the person resides, and any other
11 information that the Department of Justice deems relevant, but not
12 the information excluded pursuant to subdivision (a).

13 (2) This subdivision shall apply to the following offenses and
14 offenders:

15 (A) Section 187 committed in the perpetration, or an attempt to
16 perpetrate, rape or any act punishable under Section 286, 288,
17 288a, or 289.

18 (B) Section 207 committed with intent to violate Section 261,
19 286, 288, 288a, or 289.

20 (C) Section 209 committed with intent to violate Section 261,
21 286, 288, 288a, or 289.

22 (D) Paragraph (2) or (6) of subdivision (a) of Section 261.

23 (E) Section 264.1.

24 (F) Section 269.

25 (G) Subdivision (e) or (d) of Section 286.

26 (H) Subdivision (a), (b), or (c) of Section 288, provided that the
27 offense is a felony.

28 (I) Subdivision (e) or (d) of Section 288a.

29 (J) Section 288.3, provided that the offense is a felony.

30 (K) Section 288.4, provided that the offense is a felony.

31 (L) Section 288.5.

32 (M) Subdivision (a) or (j) of Section 289.

33 (N) Section 288.7.

34 (O) Any person who has ever been adjudicated a sexually violent
35 predator, as defined in Section 6600 of the Welfare and Institutions
36 Code.

37 (P) A felony violation of Section 311.1.

38 (Q) A felony violation of subdivision (b), (c), or (d) of Section
39 311.2.

40 (R) A felony violation of Section 311.3.

1 ~~(S) A felony violation of subdivision (a), (b), (c), or (d) of~~
2 ~~Section 311.4.~~

3 ~~(T) Section 311.10.~~

4 ~~(U) A felony violation of Section 311.11.~~

5 ~~(e) (1) On or before July 1, 2005, with respect to a person who~~
6 ~~has been convicted of the commission or the attempted commission~~
7 ~~of any of the offenses listed in paragraph (2), the Department of~~
8 ~~Justice shall make available to the public via the Internet Web site~~
9 ~~his or her name and known aliases, a photograph, a physical~~
10 ~~description, including gender and race, date of birth, criminal~~
11 ~~history, the community of residence and ZIP Code in which the~~
12 ~~person resides or the county in which the person is registered as a~~
13 ~~transient, and any other information that the Department of Justice~~
14 ~~deems relevant, but not the information excluded pursuant to~~
15 ~~subdivision (a). On or before July 1, 2006, the Department of~~
16 ~~Justice shall determine whether any person convicted of an offense~~
17 ~~listed in paragraph (2) also has one or more prior or subsequent~~
18 ~~convictions of an offense listed in subdivision (e) of Section 290,~~
19 ~~and, for those persons, the Department of Justice shall make~~
20 ~~available to the public via the Internet Web site the address at~~
21 ~~which the person resides. However, the address at which the person~~
22 ~~resides shall not be disclosed until a determination is made that~~
23 ~~the person is, by virtue of his or her additional prior or subsequent~~
24 ~~conviction of an offense listed in subdivision (c) of Section 290,~~
25 ~~subject to this subdivision.~~

26 ~~(2) This subdivision shall apply to the following offenses:~~

27 ~~(A) Section 220, except assault to commit mayhem.~~

28 ~~(B) Paragraph (1), (3), or (4) of subdivision (a) of Section 261.~~

29 ~~(C) Paragraph (2) of subdivision (b), or subdivision (f), (g), or~~
30 ~~(i), of Section 286.~~

31 ~~(D) Paragraph (2) of subdivision (b), or subdivision (f), (g), or~~
32 ~~(i), of Section 288a.~~

33 ~~(E) Subdivision (b), (d), (e), or (i) of Section 289.~~

34 ~~(d) (1) On or before July 1, 2005, with respect to a person who~~
35 ~~has been convicted of the commission or the attempted commission~~
36 ~~of any of the offenses listed in, or who is described in, this~~
37 ~~subdivision, the Department of Justice shall make available to the~~
38 ~~public via the Internet Web site his or her name and known aliases,~~
39 ~~a photograph, a physical description, including gender and race,~~
40 ~~date of birth, criminal history, the community of residence and~~

1 ~~ZIP Code in which the person resides or the county in which the~~
2 ~~person is registered as a transient, and any other information that~~
3 ~~the Department of Justice deems relevant, but not the information~~
4 ~~excluded pursuant to subdivision (a) or the address at which the~~
5 ~~person resides.~~

6 ~~(2) This subdivision shall apply to the following offenses and~~
7 ~~offenders:~~

8 ~~(A) Subdivision (a) of Section 243.4, provided that the offense~~
9 ~~is a felony.~~

10 ~~(B) Section 266, provided that the offense is a felony.~~

11 ~~(C) Section 266c, provided that the offense is a felony.~~

12 ~~(D) Section 266j.~~

13 ~~(E) Section 267.~~

14 ~~(F) Subdivision (c) of Section 288, provided that the offense is~~
15 ~~a misdemeanor.~~

16 ~~(G) Section 288.3, provided that the offense is a misdemeanor.~~

17 ~~(H) Section 288.4, provided that the offense is a misdemeanor.~~

18 ~~(I) Section 626.81.~~

19 ~~(J) Section 647.6.~~

20 ~~(K) Section 653c.~~

21 ~~(L) Any person required to register pursuant to Section 290~~
22 ~~based upon an out-of-state conviction, unless that person is~~
23 ~~excluded from the Internet Web site pursuant to subdivision (e).~~
24 ~~However, if the Department of Justice has determined that the~~
25 ~~out-of-state crime, if committed or attempted in this state, would~~
26 ~~have been punishable in this state as a crime described in~~
27 ~~subdivision (c) of Section 290, the person shall be placed on the~~
28 ~~Internet Web site as provided in subdivision (b) or (c), as applicable~~
29 ~~to the crime.~~

30 ~~(e) (1) If a person has been convicted of the commission or the~~
31 ~~attempted commission of any of the offenses listed in this~~
32 ~~subdivision, and he or she has been convicted of no other offense~~
33 ~~listed in subdivision (b), (c), or (d) other than those listed in this~~
34 ~~subdivision, that person may file an application with the~~
35 ~~Department of Justice, on a form approved by the department, for~~
36 ~~exclusion from the Internet Web site. If the department determines~~
37 ~~that the person meets the requirements of this subdivision, the~~
38 ~~department shall grant the exclusion and no information concerning~~
39 ~~the person shall be made available via the Internet Web site~~
40 ~~described in this section. He or she bears the burden of proving~~

1 the facts that make him or her eligible for exclusion from the
2 Internet Web site. However, a person who has filed for or been
3 granted an exclusion from the Internet Web site is not relieved of
4 his or her duty to register as a sex offender pursuant to Section
5 290 nor from any otherwise applicable provision of law.

6 (2) This subdivision shall apply to the following offenses:

7 (A) A felony violation of subdivision (a) of Section 243.4.

8 (B) Section 647.6, if the offense is a misdemeanor.

9 (C) A felony violation of Section 311.1, subdivision (b), (c), or
10 (d) of Section 311.2, or Section 311.3, 311.4, 311.10, or 311.11 if
11 the person submits to the department a certified copy of a probation
12 report filed in court that clearly states that all victims involved in
13 the commission of the offense were at least 16 years of age or older
14 at the time of the commission of the offense.

15 (D) (i) An offense for which the offender successfully
16 completed probation, provided that the offender submits to the
17 department a certified copy of a probation report, presentencing
18 report, report prepared pursuant to Section 288.1, or other official
19 court document that clearly demonstrates that the offender was
20 the victim's parent, stepparent, sibling, or grandparent and that the
21 crime did not involve either oral copulation or penetration of the
22 vagina or rectum of either the victim or the offender by the penis
23 of the other or by any foreign object.

24 (ii) An offense for which the offender is on probation at the
25 time of his or her application, provided that the offender submits
26 to the department a certified copy of a probation report,
27 presentencing report, report prepared pursuant to Section 288.1,
28 or other official court document that clearly demonstrates that the
29 offender was the victim's parent, stepparent, sibling, or grandparent
30 and that the crime did not involve either oral copulation or
31 penetration of the vagina or rectum of either the victim or the
32 offender by the penis of the other or by any foreign object.

33 (iii) If, subsequent to his or her application, the offender commits
34 a violation of probation resulting in his or her incarceration in
35 county jail or state prison, his or her exclusion, or application for
36 exclusion, from the Internet Web site shall be terminated.

37 (iv) For the purposes of this subparagraph, "successfully
38 completed probation" means that during the period of probation
39 the offender neither received additional county jail or state prison

1 time for a violation of probation nor was convicted of another
2 offense resulting in a sentence to county jail or state prison.

3 (3) If the department determines that a person who was granted
4 an exclusion under a former version of this subdivision would not
5 qualify for an exclusion under the current version of this
6 subdivision, the department shall rescind the exclusion, make a
7 reasonable effort to provide notification to the person that the
8 exclusion has been rescinded, and, no sooner than 30 days after
9 notification is attempted, make information about the offender
10 available to the public on the Internet Web site as provided in this
11 section.

12 (4) Effective January 1, 2012, no person shall be excluded
13 pursuant to this subdivision unless the offender has submitted to
14 the department documentation sufficient for the department to
15 determine that he or she has a SARATSO risk level of low or
16 moderate-low.

17 (f) The Department of Justice shall make a reasonable effort to
18 provide notification to persons who have been convicted of the
19 commission or attempted commission of an offense specified in
20 subdivision (b), (c), or (d), that on or before July 1, 2005, the
21 department is required to make information about specified sex
22 offenders available to the public via an Internet Web site as
23 specified in this section. The Department of Justice shall also make
24 a reasonable effort to provide notice that some offenders are
25 eligible to apply for exclusion from the Internet Web site.

26 (g) (1) A designated law enforcement entity, as defined in
27 subdivision (f) of Section 290.45, may make available information
28 concerning persons who are required to register pursuant to Section
29 290 to the public via an Internet Web site as specified in paragraph
30 (2).

31 (2) The law enforcement entity may make available by way of
32 an Internet Web site the information described in subdivision (c)
33 if it determines that the public disclosure of the information about
34 a specific offender by way of the entity's Internet Web site is
35 necessary to ensure the public safety based upon information
36 available to the entity concerning that specific offender.

37 (3) The information that may be provided pursuant to this
38 subdivision may include the information specified in subdivision
39 (b) of Section 290.45. However, that offender's address may not
40 be disclosed unless he or she is a person whose address is on the

1 Department of Justice's Internet Web site pursuant to subdivision
2 (b) or (c):

3 (h) For purposes of this section, "offense" includes the statutory
4 predecessors of that offense, or any offense committed in another
5 jurisdiction that, if committed or attempted to be committed in this
6 state, would have been punishable in this state as an offense listed
7 in subdivision (c) of Section 290.

8 (i) Notwithstanding Section 6254.5 of the Government Code,
9 disclosure of information pursuant to this section is not a waiver
10 of exemptions under Chapter 3.5 (commencing with Section 6250)
11 of Title 1 of Division 7 of the Government Code and does not
12 affect other statutory restrictions on disclosure in other situations.

13 (j) (1) Any person who uses information disclosed pursuant to
14 this section to commit a misdemeanor shall be subject to, in
15 addition to any other penalty or fine imposed, a fine of not less
16 than ten thousand dollars (\$10,000) and not more than fifty
17 thousand dollars (\$50,000).

18 (2) Any person who uses information disclosed pursuant to this
19 section to commit a felony shall be punished, in addition and
20 consecutive to any other punishment, by a five-year term of
21 imprisonment in the state prison.

22 (k) Any person who is required to register pursuant to Section
23 290 who enters an Internet Web site established pursuant to this
24 section shall be punished by a fine not exceeding one thousand
25 dollars (\$1,000), imprisonment in a county jail for a period not to
26 exceed six months, or by both that fine and imprisonment.

27 (l) (1) A person is authorized to use information disclosed
28 pursuant to this section only to protect a person at risk.

29 (2) Except as authorized under paragraph (1) or any other
30 provision of law, use of any information that is disclosed pursuant
31 to this section for purposes relating to any of the following is
32 prohibited:

33 (A) Health insurance:

34 (B) Insurance:

35 (C) Loans:

36 (D) Credit:

37 (E) Employment:

38 (F) Education, scholarships, or fellowships:

39 (G) Housing or accommodations:

1 ~~(H) Benefits, privileges, or services provided by any business~~
2 ~~establishment.~~

3 ~~(3) This section shall not affect authorized access to, or use of,~~
4 ~~information pursuant to, among other provisions, Sections 11105~~
5 ~~and 11105.3, Section 8808 of the Family Code, Sections 777.5~~
6 ~~and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871~~
7 ~~of the Health and Safety Code, and Section 432.7 of the Labor~~
8 ~~Code.~~

9 ~~(4) (A) Any use of information disclosed pursuant to this section~~
10 ~~for purposes other than those provided by paragraph (1) or in~~
11 ~~violation of paragraph (2) shall make the user liable for the actual~~
12 ~~damages, and any amount that may be determined by a jury or a~~
13 ~~court sitting without a jury, not exceeding three times the amount~~
14 ~~of actual damage, and not less than two hundred fifty dollars~~
15 ~~(\$250), and attorney's fees, exemplary damages, or a civil penalty~~
16 ~~not exceeding twenty-five thousand dollars (\$25,000).~~

17 ~~(B) Whenever there is reasonable cause to believe that any~~
18 ~~person or group of persons is engaged in a pattern or practice of~~
19 ~~misuse of the information available via an Internet Web site~~
20 ~~established pursuant to this section in violation of paragraph (2);~~
21 ~~the Attorney General, any district attorney, or city attorney, or any~~
22 ~~person aggrieved by the misuse is authorized to bring a civil action~~
23 ~~in the appropriate court requesting preventive relief, including an~~
24 ~~application for a permanent or temporary injunction, restraining~~
25 ~~order, or other order against the person or group of persons~~
26 ~~responsible for the pattern or practice of misuse. The foregoing~~
27 ~~remedies shall be independent of any other remedies or procedures~~
28 ~~that may be available to an aggrieved party under other provisions~~
29 ~~of law, including Part 2 (commencing with Section 43) of Division~~
30 ~~1 of the Civil Code.~~

31 ~~(m) The public notification provisions of this section are~~
32 ~~applicable to every person described in this section, without regard~~
33 ~~to when his or her crimes were committed or his or her duty to~~
34 ~~register pursuant to Section 290 arose, and to every offense~~
35 ~~described in this section, regardless of when it was committed.~~

36 ~~(n) On or before July 1, 2006, and every year thereafter, the~~
37 ~~Department of Justice shall make a report to the Legislature~~
38 ~~concerning the operation of this section.~~

39 ~~(o) A designated law enforcement entity and its employees shall~~
40 ~~be immune from liability for good faith conduct under this section.~~

1 ~~(p) The Attorney General, in collaboration with local law~~
2 ~~enforcement and others knowledgeable about sex offenders, shall~~
3 ~~develop strategies to assist members of the public in understanding~~
4 ~~and using publicly available information about registered sex~~
5 ~~offenders to further public safety. These strategies may include,~~
6 ~~but are not limited to, a hotline for community inquiries,~~
7 ~~neighborhood and business guidelines for how to respond to~~
8 ~~information posted on this Internet Web site, and any other resource~~
9 ~~that promotes public education about these offenders.~~

10 ~~SEC. 8. No reimbursement is required by this act pursuant to~~
11 ~~Section 6 of Article XIII B of the California Constitution for certain~~
12 ~~costs that may be incurred by a local agency or school district~~
13 ~~because, in that regard, this act creates a new crime or infraction,~~
14 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
15 ~~or infraction, within the meaning of Section 17556 of the~~
16 ~~Government Code, or changes the definition of a crime within the~~
17 ~~meaning of Section 6 of Article XIII B of the California~~
18 ~~Constitution.~~

19 ~~However, if the Commission on State Mandates determines that~~
20 ~~this act contains other costs mandated by the state, reimbursement~~
21 ~~to local agencies and school districts for those costs shall be made~~
22 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
23 ~~4 of Title 2 of the Government Code.~~